

that now contained in subsection (1)(2) was deliberate or not on the part of the General Assembly.

(J) SELL.

"SELL" INCLUDES ADVERTISE, OFFER TO SELL, OR OFFER FOR SALE.

REVISOR'S NOTE: This subsection presently appears as Art. 83, §117(e).

No changes are made.

(K) VENDING MACHINE OPERATOR.

"VENDING MACHINE OPERATOR" MEANS A PERSON WHO:

(1) MAKES RETAIL SALES OF CIGARETTES OR HAS CIGARETTES IN HIS POSSESSION WITH THE INTENT TO SELL THEM EXCLUSIVELY AS RETAIL THROUGH THE MEDIUM OF A VENDING MACHINE OR ANY OTHER MECHANICAL DEVICE USED FOR DISPENSING CIGARETTES;

(2) OWNS, OPERATES, AND SERVICES VENDING MACHINES OR OTHER MECHANICAL DEVICES USED TO DISPENSE CIGARETTES ON 40 OR MORE PREMISES; AND

(3) SERVICES THE MACHINES OR DEVICES BY MAINTAINING AN ESTABLISHED PLACE OF BUSINESS FOR THE PURCHASE OF CIGARETTES, INCLUDING WAREHOUSING FACILITIES FOR THE STORAGE AND DISTRIBUTION OF CIGARETTES.

REVISOR'S NOTE: This subsection presently appears as Art. 83, §117(d).

In item (1), the phrase "barter, exchange, offer for sale" is deleted as unnecessary in light of the definitions of "sell" and "retail sale of cigarettes." The general term "tobacco products" is deleted as inconsistent with use of the term "cigarettes," as defined in this section.

In item (3), the phrase "but not limited to" is deleted as unnecessary, since use of the word "including" is not intended in any sense to be exclusionary or limiting. The maxim of expressio unius est exclusio alterius and doctrines of similar implication are not intended, therefore, to be made applicable by reason of this deletion.

The only other changes are in style.